

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Ed Sisson, Robert Jurca, Guy Pfalzgraff and Bill Seuell, along with City Manager Joe Kerby and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the minutes of August 3rd, 2010 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

**Ordinance #2, 2010; Second and Final Reading
Bond for Confluence Drive**

Ordinance #2, 2010

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, AUTHORIZING THE ISSUANCE OF THE SALES AND USE TAX REVENUE BONDS FOR THE PURPOSES SET FORTH IN THE BALLOT ISSUE APPROVED BY THE CITY'S ELECTORS AT THE ELECTION HELD ON NOVEMBER 3, 2009; PROVIDING FOR THE PAYMENT OF THE BONDS FROM A PLEDGE OF CERTAIN SALES AND USE TAX REVENUES AND THE MONEYS ON DEPOSIT IN THE CITY-WIDE CAPITAL IMPROVEMENT FUND; AND PRESCRIBING THE FORM OF, AND APPROVING DETAILS AND DOCUMENTS IN CONNECTION WITH, THE BONDS.

was introduced as Council Bill #3, 2010 and read by the Clerk.

City Attorney Michael Schottelkotte stated that he was contacted by a citizen about a concern regarding a possible conflict of interest. He stated that one of his partners within his firm represented the estate of John Triantos that started in 1997 and was concluded in 1999. He reported that the last contact was 11 ½ years ago. He also reported that he represented the City as the City's prosecutor in one of the Triantos' family member's case in Municipal Court which he remembered to be a building code violation.

Mr. Schottelkotte stated that an attorney is not prohibited from doing something contrary to a formal client as long as the business being done is not the same as the business that was done during representation of the formal client. He explained that the representation conducted was for was an estate only. He also stated that his firm could not represent anyone in the Triantos family in a matter adverse to the City.

Mr. Schottelkotte summarized the work that he has done for the City regarding the truck route. He reaffirmed that he believes that there is no conflict of interest on the Mayor's behalf. Mayor Cooper does not have any direct pecuniary interest in this matter. He stated that all Councilmembers have an indirect interest in the outcome in this project. Indirect interests are not spelled out as conflicts under the law. He gave examples of how they may have indirect interest.

He presented a copy of CRS 24-18-109 and also summarized the law. He stated that he wants to be sure that people are comfortable with the advice he is giving is untainted and that he is going to tell everyone exactly what he thinks based on his prior experience and education.

Regular Meeting, Delta City Council, August 17, 2010 (Cont.)

Ordinance #2, 2010; Second and Final Reading (cont.)

City Manager Joe Kerby reported that this is the second and final reading of this bond ordinance. He asked the Public Works Director to answer any questions that Council may have.

Public Works Director Jim Hatheway presented a summary on the truck route.

Joe Carlson, 523 Meeker Street, owner of Edward Jones, stated that his business was located on Main Street for 7 years. He reported that one of his main concerns being at that location was safety. He presented a situation that involved one of his clients being injured by vehicle. He also commented on the noise and dust concerns. Mr. Carlson stated that the charm of the City needs to match that of the citizens and we need to get the Main Street corridor back for the people.

Ray Brunacini, 1652 H38 Lane, stated that this is not a wise expenditure of the City's dollars. He commented on the project being at two lanes versus four lanes. He proposed getting a fire station in North Delta or a helicopter at the hospital. He believes that there are other alternatives that need to be considered before committing to this project.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Seuell to adopt Council Bill #3, 2010 on second and final reading.

Councilmember Sisson presented a statement regarding this project. He stated that this project will put too much debt on the City and it will not solve the car and truck problem on Main Street.

Councilmember Jurca stated that this truck route is not going to solve all the problems on Main Street.

The Clerk took roll call to the motion previously submitted: Councilmembers Seuell aye, Pfalzgraff aye, Sisson nay, Jurca nay and Cooper aye. Motion carried.

Horse Country Arena Presentation

City Manager Joe Kerby introduced Chris Miller to give an update regarding the Horse Country Arena.

Chris Miller, 245 Columbia Street, presented Council with an update on various events that have happened at Horse Country Arena. She stated that they have a place on the City's website for the Horse Country Arena which is currently being worked on.

Linda Tibbits, 21334 H75 Road, commented on the success of Deltarado Days and gave Council an update on those events. She also commented on the concession stand. Modern Appliance donated a refrigerator to help with the stand. Ms. Tibbits thanked the Parks staff for their help with the Deltarado Days events.

Ms. Miller stated that Marvin Peachy helped with the grounds of the arena and thanked him for his help. She also commented on the trail.

Chris Tirpin, 34888 Jacobs Road, Hotchkiss, with the Delta County Horse Council presented the City a check in the amount of \$943.92 for the Horse Country Arena.

Ms. Miller stated that there is a strategic plan that is included in Council's packet. She thanked Council for the opportunity to prove up Horse Country Arena.

Mr. Kerby recognized all those involved with this project.

Ms. Tibbits invited Council to a lunch and stated she would get more information to Council as it becomes available.

Public Hearing: Special Event Permit Application; Delta Area Chamber of Commerce

The Mayor closed the regular meeting and convened a public hearing.

The Clerk explained that the Delta Area Chamber of Commerce has submitted a Special Events Permit Application for the Delta County Coal Conference to be held on September 22, 2010 from 6:00pm to 8:00pm and September 23, 2010 from 6:00pm to 10:00pm at Bill Heddles

Regular Meeting, Delta City Council, August 17, 2010 (Cont.)

Public Hearing (cont.)

Recreation Center. She reported that the application is complete and all fees have been paid. A sign was posted as required by law for notice of this public hearing and no comments have been received.

The Mayor called for public comment and when there was none she closed the public hearing and reconvened the regular meeting.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the Delta Area Chamber of Commerce's application for a special events liquor permit for September 22 and 23, 2010 at Bill Heddle's Recreation Center. All in favor, motion carried.

Public Hearing: Special Event Permit Application; Delta Area Chamber of Commerce

The Mayor closed the regular meeting and convened a public hearing.

The Clerk explained that the Delta Area Chamber of Commerce has submitted a Special Events Permit Application for the Delta County Coal Conference to be held on September 23, 2010. This event will be held at Fort Uncompahgre from 5:00pm to 7:00pm. She reported that the application is complete and all fees have been paid. A sign was posted as required by law for notice of this public hearing and no comments have been received.

The Mayor called for public comment and when there was none she closed the public hearing and reconvened the regular meeting.

It was moved by Councilmember Sisson and seconded by Councilmember Seuell to approve the Delta Area Chamber of Commerce's application for a special events liquor permit for September 23, 2010 at Fort Uncompahgre. All in favor, motion carried.

Tavern Liquor License Renewal; Wanda's Place

The Clerk stated that Wanda's Place has submitted their Tavern Liquor License Renewal. The application is complete and all fees have been paid. The Police Department has recommended renewal.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to approve Wanda's Place Tavern Liquor License Renewal. All in favor, motion carried.

City Attorney Comments

City Attorney Michael Schottelkotte updated Council regarding the civil rights complaint filed against the City by Colorado Rural Housing Development Corporation. He also commented on Bresnan Communication's permit for Cable TV and the merger that has taken place within that company.

Mr. Schottelkotte will be out of the office September 2 – 15, 2010.

City Manager Comments

There were none.

Councilmember Comments

Councilmember Sisson complimented Fay Mathews and his crew on the work they have done on the pipeline.

Mayor Cooper stated that the Delta Elks has invited everyone to attend the celebration for the new elevator on August 21, 2010. She presented a statement regarding the vote that was conducted this evening on the Alternate Truck Route; thanking Council staff and volunteers. She stated that she believes that vote is a historic vote for the City of Delta.

The meeting was adjourned at 7:55 p.m.

Jolene E. Nelson, City Clerk